

### **Remarks**

This Response is considered fully responsive to the Office Action mailed August 17, 2009. Claims 2, 15, 17, 18, 19, 21, 23, and 27 are pending in the application. Claims 2, 15, 17, 18, 19, 21, 23, and 27 stand rejected. Claim 17 has been amended herein to include the features previously found in claim 18, and Claim 18 has been cancelled. No new claims have been added, and no new matter has been added. Reexamination and reconsideration are respectfully requested.

### **Election of Species Requirement**

Applicants note that the Examiner has withdrawn claim 20 from further consideration. Applicants respectfully submit, however, that claim 20 should be included in the elected species. Claim 20 depends from amended claim 17 and recites the CB1 receptor antagonist is N-piperidino-5- (4-bromophenyl)-1- (2, 4-dichlorophenyl) -4-ethylpyrazole-3-carboxamide or one of its pharmaceutically acceptable salt. Thus, claim 20 differs from the elected species only by the substitution of a similar element at the same position on the ring. Further, the compound of claim 20 satisfies the general Formula II. Accordingly, Applicants respectfully submit that claim 20 was improperly withdrawn, and should be examined along with the elected species.

### **Rejections Under 35 U.S.C. § 112**

Claims 2, 17, and 22-27 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to meet the enablement and written description requirements. As independent claim 17, from which claims 2 and 22-27 depend, has been amended to recite the compound of Formula II, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 2, 17, and 22-27 under 35 U.S.C. § 112, first paragraph.

### **Rejections Under 35 U.S.C. § 103**

Claims 2, 15, 17, 18, 19, 21, 23 and 27 stand rejected under 35 U.S.C. § 103(a) as being purportedly unpatentable over Toupence, et al. (US 7,091,216) (hereinafter "Toupence"), and further in view of Shakkebaek, et al. (US 5,492,891) (hereinafter "Shakkebaek"). Applicants respectfully traverse this rejection for at least the following reasons.

Independent claim 17 is directed to the use of CB1 receptor antagonists according to Formula II (substituted pyrazoles) for the treatment of hepatic disease in mammals. Toupence, however, is directed to substituted furo[2,3-B] pyridine derivatives for treatment of diseases mediated by the CB1 receptor. *See* Toupence, et al. at Abstract.

The compounds of the present pending claims are substituted pyrazoles. While Toupence lists other compounds that may be used in combination with the compounds described by Toupence. These other compounds include anti-obesity agents such as rimonabant. Toupence at col. 47, line 22. The only mention of substituted pyrazoles in Toupence is that such compounds may be used in conjunction with the compounds (substituted pyridines) of Toupence.

Applicants respectfully submit that the Office has failed to establish ANY reason to select the compounds of the present pending claims among the many hundreds of compounds listed in Toupence as possible additional ingredients for use with their substituted pyridines.

Shakkebaek is directed to the use of human growth hormone for the treatment of chronic liver disease. Shakkebaek does not disclose or suggest CB1 receptors. Further, Shakkebaek does not disclose or suggest that the compounds of the present claims would be of use in the treatment of hepatic diseases in mammals. Accordingly, Shakkebaek does not cure the deficiencies of Toupence set forth above.

Without conceding the propriety of the combination, Applicants respectfully submit that Toupence and Shakkebaek, whether taken alone or in combination, fail to disclose or suggest all of the features of independent claim 17, and those claims depending directly or indirectly therefrom. Accordingly, the Office has not established a *prima facie* case of obviousness. Applicants respectfully request reconsideration and withdrawal of the rejection of independent claim 17, and those claims depending directly or indirectly therefrom. Allowance of the claims is respectfully requested.

### **Double Patenting**

Claims 2, 15, 17, 18, 19, 21, 23, and 27 stand rejected on the ground of nonstatutory obviousness-type double patenting. Applicants have amended independent claim 17. In view of the amendments to independent claim 17, Applicants respectfully request reconsideration and withdrawal of the double patenting rejection of claims 2, 15, 17, 18, 19, 21, 23, and 27.

### **Extension of Time**

The Applicants hereby petition for a two-month extension of time and the accompanying fee is submitted herewith. The Applicants believe no other fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 50-3199 as necessary.

### **Conclusion**

The Applicants believe this response is fully responsive to the Action mailed August 17, 2009 and request that a proper unity of invention requirement be provided, or that the requirement be withdrawn.

If the Office should require any additional information or believes that prosecution of the application may be expedited via a telephone conference, the Office is invited to contact the undersigned attorney.

Respectfully submitted,

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